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Attorney for Debtors

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

In re ) Chapter 11  
Benyam Mulugeta and Paula R. ) Case No. 09-51900 SLJ  
Mulugeta, )  
 ) DECLARATION IN SUPPORT OF  
 ) MOTION FOR DISCHARGE  
 ) Date: February 7, 2023  
Debtors ) Time: 2:00 p.m.  
/

I, Benyam Mulugeta, Debtors, declare that

1. The Certification in Support of Discharge, filed herein on December 8, 2022, included an Exhibit A consisting of a list of all unsecured creditors("Creditors") provided for by my form Combined Plan of Reorganization and Disclosure Statement("Plan"), and, in addition, Exhibit A gave a status of payments made to each of the Creditors.

1        2.    The Plan was confirmed on September 25, 2014, and the  
2 Effective Date, was fifteen days later. The first payments to  
3 Creditors were due on October 10, 2015.

4        3.    Certain Creditors ("Unpaid Creditors") were unpaid  
5 because their payments were returned or uncashed. The following  
6 named Unpaid Creditors were never sent any payments: Sweazey  
7 Elevator Corp., Tomoko Naskama, Washington Mutual Bank, and  
8 First Street Commercial Mortgage Fund, LLC.

9        4.    On April 5, 2017, one of the Unpaid Creditors filed a  
10 Notice of Default. According to Part 6(c) of the Plan, failure to  
11 cure the stated default would result in a material default as to  
12 the class of Creditors. I negotiated an extension of the cure  
13 period to June 28, 2017, but no cure took place.

14        5.    As of June 29, 2017, the Creditors were in material  
15 default, and pursuant to Part 6(d) of the Plan, Creditors had  
16 relief from stay to pursue their "lawful remedies to enforce and  
17 collect Debtor's pre-confirmation obligations."

18        6.    I am informed and believe that none of the Creditors  
19 pursued their lawful remedies, and more than five years have  
20 passed since the Plan was in material default.

21        7.    I declare under penalty of perjury that the foregoing  
22 is true and correct. Executed on January 3, 2023.

23 /s/Benyam Mulugeta  
24  
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